

REMARKS/ARGUMENTS

This is a Response to the Office Action mailed September 24, 2004, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire December 24, 2004. Enclosed is our check to cover the fee for a three-month extension of time, to March 23, 2005. Eighteen (18) claims, including three (3) independent claims, were paid for in the application. Claims 15-17 have been canceled. Claims 1 and 18 have been amended. No new claims have been added. No new matter has been added to the application. Claims 1-14 and 18 are pending in this application.

Election/Restrictions

During a telephone conversation with Examiner Tawfik on Tuesday, September 14, 2004, Applicants elected Group I, claims 1-14 and 18, without traverse.

In view of the above election, Applicants hereby cancel claims 15-17 without prejudice to the filing of any divisional, continuation, or continuation-in-part application.

Objections

The drawings were objected to because Figure 1 was not designated by the legend "Prior Art." Thus, Figure 1 has been amended to add "Prior Art" and a Replacement Sheet of Figure 1 is attached.

35 U.S.C. §102(e) Rejections

Claims 1-14 and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Helland et al. (U.S. Patent No. 6,415,712). The discussion regarding the Section 102(e) rejection shall be focused on the independent claims 1 and 18 because claims 2-14 depend from claim 1.

Helland et al. is directed to a strapping machine 200 having a dispenser 250 with a single strap coil 204 (column 12, lines 49-67; column 13, lines 1-14, and Figures 17 and 18). In contrast, Applicants' claims 1 has been amended to recite "a modular dispenser having a plurality of strap coils for feeding a strap from at least one of the strap coils." Likewise,

Applicants' claim 18 has been amended to recite "a plurality of strap coils." Support for these amendments can be found in the application on page 8, lines 10-15, and in Figure 5. Because Helland et al. does not disclose a strapping machine having a plurality of strap coils, Applicants submit that the Helland et al. does not anticipate claim 1 or claim 18 of Applicants' invention.

35 U.S.C. §103 Rejections

Applicants note that Helland et al. and the present application are commonly assigned to Enterprises International, Inc. At the time each invention was made, the respective inventors were subject to an obligation to assign the invention to the same entity. Although the Examiner has not lodged a rejection under Section 103(a) in the present Office Action, Applicants respectfully assert that a subsequent rejection under Section 103(a) would be overcome under Section 103(c) because of the common ownership of the present application and the cited 102(e) reference issued to Helland et al.

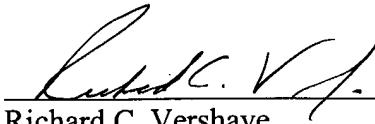
Conclusion

Applicants assert that the amendments and remarks above address each of the Examiner's objections and rejections, and believe that all pending claims are in condition for allowance. Applicants therefore request that the Examiner allow the pending claims in the present application. The Examiner is invited to contact the undersigned at the telephone number provided to discuss any of the prior rejections or the above amendments and remarks.

Application No. 10/764,267
Reply to Office Action dated September 24, 2004

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
Seed Intellectual Property Law Group PLLC


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RCV:asl

Enclosures:

Postcard
1 Drawing Replacement Sheet (Figure 1)

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Amendments to the Drawings:

The attached sheet of drawings include changes to Figure 1. This sheet, which includes Figure 1, replaces the original sheet including Figure 1.

Attachment: Replacement Sheet of Figure 1.